IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,   )
)
              Plaintiff,   )
)
     vs.   )   No.   21-CR-00854-DHU
)
SILVESTER CASTILLO,   )
)
              Defendant.   )

UNITED STATES' UNOPPOSED MOTION TO DISMISS INDICTMENT

The United States of America moves this Court pursuant to Fed. R. Crim. P. 48 to dismiss the Indictment (Doc. 15) in this cause filed against the above-named defendant, SILVESTER CASTILLO, and as grounds therefor states as follows:

1.   On May 31, 2021, a Federal Grand Jury returned an Indictment (Doc. 15) charging defendant SILVESTER CASTILLO, with the 18 U.S.C. §§ 1153 and 1111 that being second degree murder.

2.   On July 6, 2023, defendant entered into a plea agreement under Fed. R. Crim. P. 11(c)(1)(C) ("the plea agreement"). See Doc. 72.

3.   Under the terms of the plea agreement defendant entered a plea of guilty to a one-count Information, charging 18 U.S.C. §§ 1153 and 1112, that being voluntary manslaughter. See Doc. 69.

4.   In exchange for defendant's plea of guilty, the government agreed to dismiss the Indictment in this cause as to defendant SILVESTER CASTILLO.

5.   Accordingly, the United States moves to dismiss the Indictment as to defendant

SILVESTER CASTILLO.

6.   Based upon the terms of the plea agreement, concurrence of opposing counsel is

presumed.

WHEREFORE, the United States respectfully request that this Court dismiss the

Indictment (Doc. 15) as to defendant SILVESTER CASTILLO, without prejudice.

ALEXANDER M.M. UBALLEZ
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/s/ Electronically Filed 02/20/2024
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CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2024, I filed the foregoing document electronically through the CM/ECF system. Pursuant to the CM/ECF Administrative Procedures Manual, §§ 1(a), 7(b)(2), such filing is the equivalent of service on parties of record.

/s/
TIMOTHY D. TREMBLEY
Assistant United States Attorney